



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

RB:LXN
F.#2009R01652

271 Cadman Plaza East
Brooklyn, New York 11201

December 29, 2011

By Hand and ECF

The Honorable I. Leo Glasser
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

RE: United States v. Alan Berkun
Criminal Docket Nos. 00-930, 00-1248(S-1),
01-1457, 10-512, 11-214

Dear Judge Glasser:

The government writes in response to the Court's December 7, 2011 request that the government identify the counts that it will seek to have dismissed at the defendant's sentencing on January 5, 2012.

00-CR-930

The defendant pleaded guilty to Count One. The government will move to dismiss Count Two.

00-CR-1248 (S-1)

The defendant pleaded guilty to Counts One and Thirteen of the first superseding indictment.

At sentencing, the government will move to dismiss Counts 6, 7, 14, 52-55, 60-61, 62-83, 84-86, 87-88, 89-90, 91-93 and 94 of the first superseding indictment. The defendant was also named in the second superseding indictment in Counts 1, 6, 7, 16, 17, 55-58, 63-64, 65-86, 87-89, 90-91, 92-93, 94-96 and 97. The government will move to dismiss those counts as well. The defendant was not named in the initial indictment in this case.

01-CR-1457

The defendant pleaded guilty to Count One. The government will move to dismiss Count Two.

10-CR-512

The defendant pleaded guilty to a one-count indictment.
There are no open counts.

11-CR-214

The defendant pleaded guilty to a one-count
information. There are no open counts.

Very truly yours,

LORETTA E. LYNCH
United States Attorney

By: /s/
Lan Nguyen
Assistant U.S. Attorney
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cc: Clerk of Court (ILG) (By ECF)
Jeff Hoffman, Esq./Susan Wolfe, Esq. (By Email)
Mary Ann Betts, Probation Department (By Email)